Are Muslim men allowed to have sex with their mothers and sisters? - A Fact Check

For a long time, a silent debate has been raging within educated Shia and Sunni circles on whether or not Muslim men are allowed to have sex with their own *mahrams* (mother, sister, daughter, etc).

The most heated debate on the subject ensued in academic circles many decades ago after the editor of the famous publication *Rizwan* blamed Shias for this abhorrent practice:

> *Not only this, the Shia faith is so dirty that it is permissible to have sexual relations even with women in the prohibited degree (Mahram) provided one has wrapped his private part with silk. Zainul Abideen Haeri Mazandarani, a Shia scholar, writes in Zakhiratul Ma'ad (page 95) that: 'Intercourse (with mother and sisters) is permissible after wrapping silk.'*

The above - mentioned claim, that featured in *Rizwan*, was fiercely countered by Shia scholar Sayyid Sa'eed Akhtar Rizvi in an article titled 'Imam Abu Hanifah, Wrapping of silk and other issues' **(Link)**. This rebuttal was published in the

Al-Jawwad issue of February 1958. In his article, Rizvi gave many academic references to establish the Shia side of the story.

He literally invalidated the *Rizwan* claim by using what one calls a 'selection bias'. He wrote how the reality regarding the issue is exposed the moment one reads the question and answer from *Zakhiratul Maad*, a book by Shia scholar *Zain-ui-Abdin*, in its entirety and not selectively. He then went ahead and listed the question and answer in full:

> *Question: If a person wraps a silk handkerchief or something like it over his sexual organ so that during intercourse or otherwise it does not come in contact with the woman's body, is ritual bath (Ghusl) obligatory on him?*
>
> *Answer: The obligation of ritual bath is not bereft of strength. And it is narrated from Abu Hanifah that it is permissible to penetrate the mahrams (mothers, sister, daughter etc.) after wrapping silk.*

Rizvi explains that:

> *… this is the verdict of the Hanafis (Sunnis) and has no connection with the Shias. The editor of Rizwan omitted the words 'it is narrated from Abu Hanifah' and tried to grant the Shias that we fulfill our lust through mahrams after wrapping silk.*

Rizvi also mocks the *Rizwan* article by saying:

> *… the ideology of Abu Hanifah that leave aside the obligation of ritual bath, it is even permitted to fulfill one's lust in this way through women in the prohibited degree…*

In his article, Rizvi explains who Abu Hanifah is:

> *…let me tell you who this Abu Hanifah is. He is your Imam and a leader of the Hanafis. Among the four Sunni schools of Islamic law, Numan bin Thabit Kufi is the head of the Hanafi school. He is also called 'Abu Hanifah (r.a.)'.*

Rizvi used many instances to show how it was a normal practice for Sunnis to engage in sexual intercourse with their own *mahrams* (mother, sister, daughter, etc).

He quoted from Pg. 381 of the *Hidayah* published at *Matba Shaykh Yahya*:

> *There was complete freedom that any Hanafi could perform Nikah with his mother, sister, daughter, paternal aunt, maternal aunt, niece, mother-in-law, daughter-in-law and all Mahrams and fulfill his lust through them and increase his progeny. It is written in the famous book of Hanafite teachings, Hidayah:*
>
> *"If a person marries a woman with whom Nikah is prohibited and then, even if he goes to bed with her, according to Abu Hanifah the legal penalty would not be applicable on him.*"

Rizvi further quoted from Pg. 381 of the *Hidayah* to establish the Sunni precedence of the practice:

> *And, according to Abu Hanifah, this marriage is correct according to the circumstance because it is capable of fulfilling the need. Women are daughters of Adam and capable of bearing children and this is the aim of marriage.*

To further bolster his case, Rizvi adds another quote from Pg. 182 of *Tafsir Kabir* Vol. 3, Jamaliya, Egypt, First edition:

> *Fakhruddin Razi, a famous Sunni Imam, has described this verdict of Imam Abu Hanifah in his renowned Tafsir Kabir in the exegesis of the verse:*
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> *"Forbidden to you are your mothers…" (Surah Nisa 4:23)*
>
> *"The third point mentioned by Shafei (r.a.) is that if a man marries his mother and even commits incest, the penalty is applicable to him while Abu Hanifah (r.a.) has said that the penalty is not applicable."*

Rizvi explains further, adding another academic source to the origin of the 'wrapping silk',:

> *However, Mazandarani has not used the words 'wrapping silk' without any reason because Imam Abu Hanifah did not want to trouble his followers by making it incumbent on them to all the time perform Nikah with mother, sisters etc. hence, he has prescribed this method for them. A verdict is present in Bahrur Raqaiq Sharh Kanzud Daqaiq (Book of Marriage) that fulfilling lust by Mahrams after wrapping silk etc. is permissible. If it is done with mahram women after a cloth is wrapped on one's organ, its prohibition is not proved.*

Rizvi further adds and refers to the *Jameur Rumooz*:

> *Similar advice is given to those who do not want to care about Islamic law during fasting days that they should wrap silk and fulfill their desires so that they remain safe of the obligation of atonement (Kaffarah) etc.*

Not only this, but even the ritual bath would not become obligatory. This narration is present in Jameur Rumooz.

Hence, Aqa Mazandarani has replied that the ritual bath would be obligatory among we Shias in such a state also. However, according to Abu Hanifah, a great Imam of Ahlul Sunnat, if one copulates after wrapping silk, the ritual bath would not be obligatory on him. Not only this, but according to him, even mahrams can become objects of lust after wrapping silk.

Rizvi also quotes the stricture passed on Abu Hanifah by famous Muslim jurist, theologian, and mystic, Imam Ghazzali:

Abu Hanifah has almost destroyed the Islamic law. He made its ways dubious and changed its system..

Towards the end of his lengthy article, Rizvi adds about the Editor of *Rizwan*:

The editor of Rizwan would have known as to who that Abu Hanifah is, who permits fulfillment of lust even from mahrams (mother, sister, daughter, etc).

For the readers not very familiar with Abu Hanifah or the Hanafi school of Islam, here is what *Encyclopaedia Britannica* says about the same **(Link)**:

Abu Hanifah, in full Abu Hanifah al-Nuʿman ibn Thabit, (born 699, Kufah, Iraq - died 767, Baghdad), Muslim jurist and theologian whose systematization of Islamic legal doctrine was acknowledged as one of the four canonical schools of Islamic law (madhhabs). The Hanafi school of Abu Hanifah acquired such prestige that its doctrines were

applied by a majority of Muslim dynasties. Even today it is widely followed in India, Pakistan, Turkey, Central Asia, and Arab countries.

Interestingly Abu Hanifah is also the No. 1 source of inspiration for Asia's largest Sunni Islamic seminary 'Darul Uloom Deoband'. Darul Uloom Deoband has also issued countless Fatwas endorsing and eulogising him and his ideology.

One of the Fatwas **(Link)** by Darul Uloom Deoband says and we quote:

In Fiqh-e-Hanafi, Hazrat Imam Azam Abu Hanifah, Hazrat Imam Abu Yusuf and Hazrat Imam Muhammad (may Allah bless them) have the grade of imamah.

(Disclaimer: The article has mostly quoted from an old article of a reputed Shia scholar. Till date, he has not come across a similar counterclaim from the Sunni side.)